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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/680,280	10/06/2000	David B. Dwyer	H0001181	8489

128 7590 12/27/2001

HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/680,280

Applicant(s)

DWYER ET AL.

Examiner

DALENA TRAN

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 3661

## DETAILED ACTION

### Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 10/19/01. Claims 1-47 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-4,8,11-14,28-31,35,39-41, and 45, as understood by examiner, are rejected under 35 U.S.C.102(e) as being anticipated by Deker et al. (6,181,987).

As per claims 1,11, and 28, Deker et al. mention a navigational system, comprising: a display device, and logic simultaneously display of an original flight plan and a modified flight plan on display device. However, Murray et al. mention that (see column 7, lines 39-67).

As per claims 39-40, Deker et al. mention a display device, and textual display of comparative data for an original flight plan and a modified flight plan (see columns 5-7, lines 24-39).

As per claims 2,12, and 29, Deker et al. mention a textlist of waypoints, and performance data on the original flight plan and a modified flight plan (see column 8, lines 1-38).

Art Unit: 3661

Also as per claims 3-4,13-14,30-31, and 41, Deker et al. mention the textual display presented performance data for waypoints that are added to the modified flight plan, and performance data for the waypoint on the original flight plan and for the waypoint on the modified flight plan (see column 8, lines 38-68).

As per claims 8,35, and 45, Deker et al. mention simultaneously presented on display device a graphical display of the original flight plan and the modified flight plan (see column 7, lines 39-67).

***Claim Rejections - 35 USC § 103***

4 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5,15,32,38, and 42, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Briffe et al. (6,112,141) in view of Deker et al. (6,181,987).

As per claims 5,15, and 32, Briffe et al. mention an interface that allows an operator to change the modified flight plan, and logic updates the textlist of waypoints and the performance data on the textual display when the modified flight plan is changed (see columns 33-35, lines 1-42).

Art Unit: 3651

As per claim 42, Briffe et al. mention interface device and logic updates the comparative data on the textual display when the modified flight plan is changed (see columns 5-6, lines 44-63).

Also as per claim 38, Briffe et al. disclose a navigational system, comprising: a CPU, a flight control system, and a display device (see column 3, lines 7-30). Deker et al. mention logic simultaneously display of an original flight plan and a modified flight plan on display device, and CPU provides inputs to flight control system based on navigational data corresponding to the original flight plan (see columns 4-5, lines 36-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Briffe et al. by mention simultaneously display of an original flight plan and a modified flight plan on display device to compare the constraint and performance of both the original flight plan and a modified flight plan.

6. Claims 6-7,9-10,16-17,33-34,36-37,43-44, and 46-47, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Deker et al. (6,181,987) in view of Onken et al. (6,163,744).

As per claims 6,16,33, and 43, Onken et al. mention the textual display waypoints to be removed on the original flight plan, not on the modified flight plan (see column 4-6, lines 33-3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Deker et al. by mention the textual display waypoints to be removed on

Art Unit: 3361

the original flight plan, not on the modified flight plan to provide a clear view of the modified flight plan for an operator.

As per claims 7,17,34, and 44, Onken et al. mention when the modified flight plan is activated to become a new original flight plan, logic removes from the textual display the waypoints that are designated to be removed (see the abstract; and column 1, lines 39-67).

As per claims 9,36, and 46, Onken et al. mention interface device allows an operator to change the modified flight plan on either the textual of graphical display and the graphical display is updated when the modified flight plan is changed (see columns 6-7, lines 4-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Deker et al. by mention allows an operator to change the modified flight plan on either the textual of graphical display and the graphical display is updated when the modified flight plan is changed to convenience for a user compare the original flight plan and the modified flight plan.

As per claims 10,37, and 47, Deker et al. mention simultaneously presented on display device a graphical display of the original flight plan and the modified flight plan (see column 7, lines 39-67). Onken et al. mention interface device allows an operator to change the modified flight plan on either the textual of graphical display and the graphical display is updated when the modified flight plan is changed (see columns 6-7, lines 4-10), and when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan (see columns 7-9, lines 12-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Deker et al. by mention

Art Unit: 3661

when the modified flight plan is activated to become the new flight plan, the graphical display is updated to display only the new original flight plan to avoid unnecessary data left in the screen display to confuse the operator.

7. Claim 18 is method claim corresponding to system claims 1 and 11;

Claim 19 corresponding to system claims 2 and 12;

Claim 20 corresponding to system claims 3 and 13;

Claim 21 corresponding to system claims 4 and 14;

Claim 22 corresponding to system claims 5 and 15;

Claim 23 corresponding to system claims 6 and 16;

Claim 24 corresponding to system claims 7 and 17 above. Therefore, they are rejected for the same rationales set forth as above.

Claims 25-27 corresponding to system claims 8-10 above. Therefore, they are rejected for the same rationales set forth as above.

#### **Remarks**

8. Applicant's argument files on 10/19/01 have been fully considered and they are deemed to be persuasive. However, upon updated search and the amended claims, the new ground of rejection has been set forth as above.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure includes the following:

. Vaquier et al. (5,340,061)

Art Unit: 3561

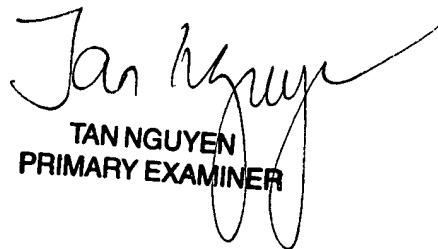
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is (703)308-8223. The examiner can normally be reached on Monday-Friday from 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt

December 19, 2001

  
TAN NGUYEN  
PRIMARY EXAMINER